IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4310 OF 2006

Maharashtra Association of Residents Doctors .....Petitioner

Versus

The State of Maharashtra and ors. ...Respondents

Mr. A.V. Anturkar, instructed my Mr. S.B. Deshmukh, for the petitioner.

Mr. A.A. Kumbhakoni, Associate Advocate General, with Mr. P.I. Khemani, Asistant Government Pleader, for the respondent Nos. 1 and 2.

Ms. Simran Puri, instructed by Dejure for respondent No.3.

CORAM: **V.G. PALSHIKAR, Ag. C.J., &**
V.M. KANADE, J.

DATE: **AUGUST 10, 2006**.

P.C.

By this petition, the petitioner-Association seeks a direction requiring the Director of Medical Education and Research ("DMER"), Maharashtra, to fill up 80 seats which are lying vacant and are likely to go waste.

2. On 14th July, 2006, this Court made an order directing the DMER to file reply in two weeks and permitted the petitioner to

approach the Supreme Court of India in view of the judgment reported in [(2005) 2 SCC 65]. Accordingly, parties have approached the Supreme Court of India. The matter was listed there, according to the petitioner, on 7th August, 2006 and has been adjourned for two weeks.

3. Taking into consideration the dicta of the Supreme Court in the aforesaid judgment, we feel that passing of any order in relation to filling up of those seats by this Court may not be proper. Hence, we dispose of this petition requiring the petitioner to seek appropriate orders from the Supreme Court of India. The respondents will take care that such wastage of valuable seats does not occur in future. Petition is accordingly disposed of.